

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

-vs-

VERNE JAY MERRELL,

Plaintiff,

Defendant.

**Case No. 2:96-CR-0257-WFN-1  
CRIMINAL MINUTES**

**DATE: DECEMBER 14, 2022****LOCATION: SPOKANE****RESENTENCING HEARING**

<b>Hon. Wm. Fremming Nielsen</b>		
Joanna L. Knutson <b>Courtroom Deputy</b>	Heather Foe <b>Law Clerk</b>	Allison R. Anderson <b>Court Reporter</b>
Joseph H. Harrington <b>Government Counsel</b>	Jeffrey S. Niesen <b>Defense Counsel</b>	
<b>United States Probation Officer: Sean E. Carter (Zoom Audio)</b>		

☒ **Open Court**☐ **Chambers**☒ **Telecon**

Defendant present in custody of United States Marshal with appointed counsel. Initial comments by the Court briefly noting the history of this case resulting in this second resentencing hearing.

The Court also noted the updated Presentence Investigation Report prepared by Probation Officer Carter and dated November 29, 2022. The Court confirmed with Mr. Harrington that the Government had no objections to the PSR. Mr. Harrington advised he had no objections.

The Court ruled on the Defendant's objections to the PSR – all four objections were **OVERRULED** for the reasons stated on the record. The Court confirmed with defense counsel that the Defendant had the opportunity to review the updated PSR and further queried Defendant as to whether he had any objections other than that already discussed; Defendant indicated he did not. The Court accepted the Presentence Investigation Report.

The Court determined the applicable Guideline range and reviewed the 3553 factors.

Counsel addressed the Court with their respective recommendations for resolution of the matter. At the request of the Defendant, Mr. Niesen read a letter to the Court from the Defendant. Defendant chose not to address the Court further. The Court conducted a brief colloquy with the Defendant regarding another letter from the Defendant.

**Imprisonment: 517 Months Total**, with credit for any time served:  
 Following Counts all **concurrent** to one another:  
     60 Months—Count 1  
     97 Months—Counts 2s, 4s, 6s, 8s, 10, 11, and 12  
 Following Counts **consecutive** to each other and all other Counts:  
     360 Months—Count 5s  
     60 Months—Count 9s

**Supervised Release: 5 Years Total**  
     3 Years each as to Counts 1, 2s, 6s, 9s, 10, 11, and 12  
     5 Years each as to Counts 4s, 5s, and 8s

**CONVENED: 10:32 A.M.****ADJOURNED: 11:19 A.M.****TIME: 0:47 HR.****CALENDARED [ N/A ]**

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Resentencing Hearing

With mandatory, standard, **plus the following special conditions:**

- Full financial disclosure to Probation Officer as requested
- Do not incur any new debt, open lines of credit or enter into any financial contracts without advance Probation Officer approval
- Search of person, vehicle, and residence
- Substance abuse evaluation and treatment/counseling, if recommended
- Abstain from controlled substances, including marijuana
- Cooperate in the collection of DNA as directed by Probation Officer

**Fine:**

Waived

**Restitution:**

**\$214,340.83** (less any previous payments) – Inmate Financial Responsibility Program  
Joint and several with Charles Harrison Barbee, 2:96-CR-0258-WFN-1; Robert  
Sherman Berry, 2:96-CR-0259-WFN-1; and Brian Ratigan, 2:97-CR-0066-WFN-1.

**Special Assessment:**

**\$850 Total** – Inmate Financial Responsibility Program

Appeal rights given.